MR. A. NESAMONY: May I bring to the honourable member's notice Standing Order 30? "If a motion for leave to introduce the Bill is opposed, the President, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may without further debate put the question."

I am just asking leave to introduce the Bill.

That is why I say that when the code was enacted, the Legislature did not exercise its mind. It is no new bill but a re-enacting of the old Act which, by some inadvertence, did not catch the mind of the legislators then. So, I pray for leave to introduce the bill.

MR. K. SIVARAMA PILLAI: I second the motion.

MR. PRESIDENT: I think there is no opposition. Leave is granted to introduce the bill.

MR. A. NESAMONY: I request the permission of the Chair to move, under Standing Order 31, that the Bill be taken into consideration.

MR. PRESIDENT: Leave is granted and the bill would be introduced after publication.

THE TRAVANCORE NEWSPAPERS ACT V OF 1101. (REPEALING) BILL.

MR. P. S. NATARAJA PILLAI: Sir, I want to have a point made clear about the procedure, especially when we realise what has happened to the first bill. I want to know whether I am to ask for leave to introduce the Bill or whether I am to introduce the Bill.

MR. PRESIDENT: You will have to ask leave to introduce the bill.

MR. P. S. NATARAJA PILLAI: Later on, the first introduction stage will come Is that so?

MR. PRESIDENT: You will have to ask leave for introduction of the bill. If leave is granted, you will introduce the bill after its publication.

MR. P. S. NATARAJA PILLAI: Then can I ask, after getting leave to introduce, for introducing the bill today?

HON'BLE MR. T. K. NARAYANA PILLAI: It is to be published in the Gazette.

MR. PRESIDENT: Mr. P. S. Nataraja Pillai will ask leave for introduction and then when the House grants leave, he can introduce the bill after publication. Your bill is not yet published.

MR. P. S. NATARAJA PILLAI: Under Standing Order 30, the bill for first introduction must be available with the members before three days. It says:—"So made available for three days, before the day on which the motion is made....."

MR. PRESIDENT: Order order. You can now ask leave for the introduction of the Bill. Afterwards you may raise those points.

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MR. P. S. NATARAJA PILLAI: I beg leave to introduce the Travancore Newspapers Act V of 1101 (Repealing) Bill. In the statement of objects and reasons, I say, "the provisions of the Newspapers Act are vexatious restrictions on the freedom of expression of the citizen and are unnecessary. Freedom of speech and expression is a fundamental right in a democratic State. Therefore, it is necessary to remove these restrictions by repealing the Act."

MR. K. P. NILAKANTA PILLAI: I second it.

HON'BLE MR. A. J. JOHN: I oppose the motion.

MR. P. S. NATARAJA PILLAI: May I explain that?

MR. PRESIDENT: Since the motion is opposed, Mr. P. S. Nataraja Pillai may make a short speech.

MR. P. S. NATARAJA PILLAI: Now Sir, we had the right of freedom of expression unrestricted both in the press and the platform. In the year 1101 the Travancore Government, as it was then an autocratic Government thought it right to restrict the freedom of the press by exacting an Act. The history behind that measure is well known to the members of the Treasury Bench as well. By a Royal Proclamation the Act came into existence and the unanimous opinion of the public was against such a measure. In no democratic country, the freedom of the Press is restricted. Moreover, when we have come to a stage when responsible democratic Government is functioning in Travancore, it is a disgrace to have this restrictive legislation on the Statute Book. It is a fundamental right of every citizen to have unrestricted freedom to express his opinion in the press and on the platform. As such there is no reason whatsoever to restrict this liberty by having this Act in the Statute Book Public opinion in India is in favour of repealing such restrictive enactments. There have been recommendations more than once, by very authoritative committees that restrictions on newspapers should be removed; but on account of cerain developments there, the repealing Act has not been enacted and enforced throughout the Indian territory so far, though some Provincial Legislatures have removed the restrictions on newspapers.

Apart from that, Sir, in the fundamental rights articles now adopted by the Constituent Assembly, the freedom of speech and expression is limited only by the general law of the country. An unrestricted freedom of expression is a fundamental and justiciable right and according to the terms of the article now adopted by the Constituent Assembly, which will be a section in the Constitution Act of India in the near future, freedom of expression is the unrestricted right of the citizen as well as a justiciable right, subject only to the ordinary laws of the country. Ordinary laws of the country have been defined and are in force, and whenever a newspaper or any writer in the press, transgresses the penal provisions, he can be called to order by any Court of justice. In these circumstances, I think I need not elaborate the point further. As far as I can see, it is an inescapable duty of the people who profess democracy to vote for this bill. I believe they will not be true to their profession if this bill is to be opposed by anyone of them. I hope my motion will get the unanimous support of this House.

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MR. ABDUL RAZAAK: What little purpose can this repealing Act serve particularly in view of the Public Safety Measures Bill that is coming up?

MR. P. S. NATARAJA PILLAI: I quite appreciate the point of my friend. It is for this House to accept the provisions of that Bill or not. This is an Act separate by itself, and in addition to this Act there are restrictive provisions in the Emergency Powers Act (Amentment), Bill. That is coming up for revision in the power of Public Safety Bill before us, we can exercise our right and vote down the provisions which go to restrict the freedom of the press. Even if we do that, if the Newspaper Act is allowed to continue in the Statute Book it will act as a bar for freedom of Press. So it is our duty to see that the Newspaper Act is repealed first and it is our next duty then to see the restrictive provisions included in the Public Safety Bill that is to be introduced, are thrown out.

So it is our duty to see that the Newspapers Act already in the Statute Book is repealed, so that the Press may be worked on efficient and satisfactory lines, consistent with the democratic principles of the day. It becomes therefore incumbent on us to see that the various provisions proposed to be introduced in the Public Safety Measures Bill are thrown out in view of the fact they are an infringement against the freedom of the Press. With these words I place the Newspapers Act Repealing Bill and request the House to grant leave to introduce it.

HON'BLE MR. A. J. JOHN: Sir, I oppose the motion for leave to introduce it, according to Section 30.

MR. G. RAMACHANDRAN (*Neyyattinkara-General*): Sir, I may be permitted to offer a few words on this question.

MR. PRESIDENT: Rule 30 says, 'If a motion for leave to introduce a Bill is opposed, the President, after permitting, if he thinks fit, a brief explanation statement from the member who moves and from the member who opposes the motion, may without further debate put the question.'

MR. G. RAMACHANDRAN: The expression used is 'may' so the President may use his discretion.

MR. PRESIDENT: I have not that quantum of discrection. The wording is,.....after the member who moves and the member who opposes, the question may be put is the gist of the rule.

MR. G. RAMACHANDRAN: Some discretion is vested with the President and I would request the President to use that discretion.

MR. PRESIDENT: Without further debate the question is to be put. So, there is no discretion.

MR. G. RAMACHANDRAN: That presupposes that there is discretion

MR. A. P. UDAYABHANU: Supposing there are others to oppose the leave to introduce the Bill —

MR. G. RAMACHANDRAN: Before all this, you Sir, said that there is *some* discretion in this matter and therefore I ask your permission to speak a few words.

MR. PRESIDENT: There is a lot of further business to be gone through for the day. Added to that there is no discretion vested in this matter.

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MR. K. SIVARAMA PILLAI: May I know the reasons which prompted the Law Minister to oppose leave to introduce, so that we may use our discretion to vote against the bill?

MR. PRESIDENT: I will put the question to the vote of the House.

The motion for leave to introduce the bill was put and lost.

MR. P. S. NATARAJA PILLAI: Sir, I demand a poll.

The House divided as follows:

AYES—15.

1. Mr. A. Abdul Razaak
2. „ S. Ambrose
3. „ Chellaswami Nadar
4. „ A. Chidambaranatha Nadar
5. „ Gabriel Nadar
6. „ P. C. George
7. „ D. Gnanasigamoni
8. Mr. P. S. Nataraja Pillai
9. „ A. Nesamony
10. „ K. P. Nilakanta Pillai
11. „ D. Ponniah
12. „ G. Ramachandran
13. „ K. Sivarama Pillai
14. „ Ponnara G. Sreedhar
15. „ A. Thanu Pillai

NOES—50.

1. Mr. T. A. Abdulla
2. „ V. A. Abdul Aziz
3. „ Abdul Majeed
4. Miss Accamma Cheriyan
5. Mr. Adichan (Chennan)
6. „ (Krishnan) Aiyyappan
7. „ Albert Lopez
8. „ Alexander Vakayil
9. „ R. Atchuthan
10. „ N. V. Chacko
11. „ P. Chacko
12. „ Cheriyan J. Kappan
13. Dr. M. O. Cheriyan
14. Mr. T. V. Devan
15. „ K. R. Elankath
16. „ P. Gopalan
17. „ Kannara Gopala Panicker
18. „ A. J. John
19. „ K. S. Joseph
20. „ A. V. Joseph
21. „ T. T. Kesavan Sastri
22. „ P. K. Krishnan Sastri
23. „ P. Kunjukrishnan
24. „ N. Kunjuraman
25. „ Kuttappan (Kochayyappan)
26. „ E. K. Madhavan
27. Mr. Mankuzhi M. Madhavan
28. „ V. Madhavan
29. „ V. O. Markos
30. „ K. A. Mathew
31. „ Mohammed Mustafa
32. „ P. S Muhammed
33. „ P. Nanoo
34. „ Narayanan (Chittonpullan)
35. „ T. K. Narayana Pillai
36. „ G P. Nilakanta Pillai
37. „ M. Pappu
38. „ Paul Thaliat
39. „ Paulose (Pylee)
40. „ K. Ramakrishna Achari
41. „ K. Ramakrishna Pillai
42. „ Raphel J. Rodrigues
43. „ K. Sarangadharan
44. „ K. Sekhara Panicker
45. „ Varghese Augustin
46. „ P. M. Varghese
47. „ N. P. Varghese
48. „ M. Varkey
49. „ U. K. Vasudevan Asari
50. „ T. M. Varghese

NEUTRALS—3.

1. Mr. K. K. Chellappan Pillai
2. „ A. K. Patchu Pillai
3. Mr. A. P. Udayabhanu

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MR. PRESIDENT: ഈ മോഷനെ അനുകൂലിച്ചവർ ഫ @ പ്രതികൂലിച്ചവർ @ o നിഷ്പക്ഷം ന.

THE TRIVANDRUM CITY MUNICIPAL ACT (AMENDMENT) BILL.

MR. P. S. NATARAJA PILLAI: Sir, I move for leave to introduce the Trivandrum City Municipal Act IV of 1116 (Amendment) Bill in this House. My purpose is limited. I seek to amend the qualifications of voters and candidates. The Trivandrum City has advanced to that extent that adult franchise can be introduced here. For democractic institutions to be sufficiently representative of the people, the franchise must be and ought to be made as vide and liberal as possible. Adult franchise with residential qualification must be introduced. I need hardly say that that members of the legislature are elected on adult franchise and therefore I think it is necessary that the premier city council of Travancore should be elected on adult franchise. The people who have been convicted are ineligible for election.

MR. PRESIDENT: Only when there is an objection you need go into details.

The motion for leave to introduce the bill was put and carried.

MR. P. S. NATARAJA PILLAI: Now, Sir, this is a bill which was published in 1945. According to rules publication has taken place. It was published in May 1945 in the Government Gazette according to rules.

MR. ABDUL AZIZ: I would like to draw the attention of the President to a point of order.

ഫൻർ @-ൽ പബ്ലിഷ് ചെയ്ത ഒരു ബില്ല്, ഈ നിയമസഭയിൽ അവതരിപ്പിക്കാമോ? അന്നത്തെ അസംബ്ലിയും ഇന്നത്തെ അസംബ്ലിയും വേറെയായതുകൊണ്ട്, ഈ പുതിയ അസംബ്ലിയിൽ കൊണ്ടുവരണമെങ്കിൽ ഇപ്പോൾ പ്രസിദ്ധപ്പെടുത്തേണ്ടതല്ലേ?

MR. P. S. NATARAJA PILLAI: Section 28 says that as soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette.

MR. ABDUL AZIZ: This was a Bill published in 1945. The rule read out now relates to the Assembly of the day and in 1945 there was no such Assembly. So I object.

MR. K. A. GANGADHARA MENON (*Nedumangad I—General*): May I know, was this bill published as a bill to be introduced by the member in *this* House at any time?

MR. P. S. NATARAJA PILLAI: May I answer that?

MR. PRESIDENT: Since this bill is intended to be introduced in *this* legislature, the bill must be published again.

MR. K. P. NILAKANTA PILLAI: In regard to the Newspapers Act Repealing Bill, the House has already given its verdict. So I do not move for leave to introduce my bill on the same subject.

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